

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Norfolk Southern Railway Company, Bement Township and  
Cerro Gordo Township, and the State of Illinois, Department of  
Transportation.

T04-0030

Stipulated Agreement regarding improving public safety at the  
crossings of the Company's track with public highways known as  
750E/TR 60 in Bement Township, and 400E/TR 28, 300E/TR 20,  
and 200E/TR 14, all in Cerro Gordo Township, all located in Piatt  
County, Illinois, designated as crossings AAR/DOT #479 156A,  
railroad milepost 356.67-WA, AAR/DOT #479 160P, railroad  
milepost 360.27-WA, AAR/DOT #479 162D, railroad milepost  
361.34-WA, and AAR/DOT #479 164S, railroad milepost 362.34-  
WA, respectively.

FIRST SUPPLEMENTAL ORDER

By the Commission:

On April 21, 2004, the Illinois Commerce Commission entered its original Order in the above captioned matter. Bement Township, Cerro Gordo Township, and the Norfolk Southern Railway Company ("Company") were required to make safety improvements at the 750E/TR 60 grade crossing in Bement Township, and the 400E/TR 28, 300E/TR 20, and 200E/TR 14 grade crossings in Cerro Gordo Township, , all located in Piatt County, Illinois, designated as crossings AAR/DOT #479 156A, railroad milepost 356.67-WA, AAR/DOT #479 160P, railroad milepost 360.27-WA, AAR/DOT #479 162D, railroad milepost 361.34-WA, and AAR/DOT #479 164S, railroad milepost 362.34-WA, respectively, on or before October 21, 2005.

On January 19, 2006, Bement Township filed a Supplemental Petition requesting an extension of time, to and including September 1, 2006, to complete the highway approach reconstruction work required of it at the 750E/TR 60 grade crossing. Due to a misunderstanding of the required work, and a lack of a labor force, particularly during the farming season, Bement Township did not complete the required highway approach improvements by the original deadline of October 21, 2005. All of the other safety improvements authorized by the original Order were completed on time by the Company and Cerro Gordo Township.

Staff of the Commission's Rail Safety Section has reviewed the Supplemental Petition and believes Bement Township's request is reasonable and should be approved.

The Commission, having given due consideration to the First Supplemental Petition, finds that:

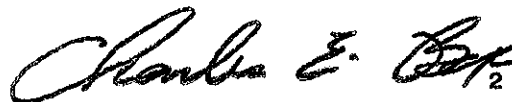
- (1) The Commission has jurisdiction over the parties and the subject matter of this proceeding;
- (2) The recitals of fact, as set forth in the prefatory portion of this First Supplemental Order, are supported by investigation by Commission Staff and are hereby adopted as findings of fact;
- (3) Bement Township's request for an extension of time, to and including September 1, 2006, is fair and reasonable and should be granted;
- (4) All other terms and conditions of the original Order dated April 21, 2004, are hereby affirmed and shall remain in full force and effect except as herein modified.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that an extension of time, to and including September 1, 2006, is hereby granted to Bement Township to complete the work as set forth in the original Order dated April 21, 2004, on the 750E/TR 60 highway-rail grade crossing of the Norfolk Southern Railway Company's track in Bement Township, Piatt County, Illinois, designated as crossing AAR/DOT #479 156A, railroad milepost 356.67-WA.

IT IS FURTHER ORDERED that all other terms and conditions of the original Order, dated April 21, 2004, are hereby affirmed and shall remain in full force and effect except as herein modified.

IT IS FURTHER ORDERED that, subject to Section 18c-2201 and 18c-2206 of the Law, this is a final decision of the Commission subject to the Administrative Review Law.

By Order of the Commission this 23<sup>rd</sup> day of February 2006.



Chairman

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| JUDGE <i>DWJ</i>         |
| SECTION CHIEF <i>MES</i> |
| ORDERS SUPERVISOR        |